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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/476,415	12/30/1999	DALE SANDBERG	3855.29	7821

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KIRTON AND MCCONKIE
60 EAST SOUTH TEMPLE,
SUITE 1800
SALT LAKE CITY, UT 84111

EXAMINER

BLECK, CAROLYN M

ART UNIT	PAPER NUMBER
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3626

DATE MAILED: 07/06/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/476,415

Applicant(s)

SANDBERG, DALE

Examiner

Carolyn M. Bleck

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 07 April 2006.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 21-29, 32-38 and 40-43 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 21-29, 32-38, 40-43 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Notice to Applicant

1. This communication is in response to the amendment filed on 7 April 2006. Claims 21-29, 32-38, and 40-43 are pending. Claims 21, 26, and 33 have been amended. Claims 42-43 are newly added.

Claim Rejections - 35 USC § 103

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claims 21-29, 32-38, and 40-43 are rejected under 35 U.S.C. 103(a) as being unpatentable over Evans (5,924,074), Feldon et al. (5,732,221), Lavin et al. (5,772,585), and Provost et al. (6,341,265) for substantially the same reasons given in the previous Office Action, and further in view of Ho (5,619,708).

(A) Claims 21 and 33 have been amended to recite "wherein said step for generating the customizable form comprises:

selecting a customizable form definition operation from a set-up menu;
displaying a form header window that identifies the customizable form by identification and description, and provides a current status of the customizable form;

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determining if an other form will be used to generate the customizable form;
wherein if the other form is used, selecting the other form, displaying the customizable form in a definition window, and populating the customizable form with information from the other form;

wherein if the other form is not used, defining a new structure for the customizable form, selecting a number of rows for inclusion into the customizable form, defining specifications relating to the pool of healthcare procedures and to the one or more healthcare diagnoses, and displaying the customizable form in a definition window; and

determining a particular sequence of the pool of healthcare procedures based upon user preferences.”

As per these limitations, Evans discloses:

selecting a new form by activating a new forms box (Figure 19, col. 6 line 55 to col. 7 line 5);

displaying a form header window that identifies the customizable form by identification and description, and provides a current status of the customizable form (see Figure 19-20 of Evans, the heading at the top of Figure 20 is considered to be identification and description of the form and the current status of the form);

determining if another form will be used for entering patient data through the forms (Figures 19-20, col. 6 lines 55-67);

wherein if the other form is used, selecting the other form, displaying the customizable form in a definition window, and populating the customizable form with information from the other form (Figures 19-20, col. 6 lines 55-67);

determining a particular sequence of the pool of healthcare procedures based upon user preferences (Figure 20, the doctor can select the sequence of the procedures displayed on the form).

Evans fails to expressly disclose:

wherein if the other form is not used, defining a new structure for the customizable form, selecting a number of rows for inclusion into the customizable form, defining specifications relating to the pool of healthcare procedures and to the one or more healthcare diagnoses, and displaying the customizable form in a definition window.

Ho discloses defining a form where a user sets specific properties of the form (Fig. 7-8), including the number of rows, wherein a user can define a hospital admission form using objects, wherein the form is displayed (Fig. 9, col. 7 lines 5-12, col. 7 lines 30-47). The hospital admission form does not include procedures and diagnoses, however, the Examiner respectfully submits that both Evans and Provost teach procedures and diagnoses in a medical form. Further, it would have been obvious to modify a form, such as the form of Ho, to include such a procedure or diagnosis as that taught by Evans or Feldon at the time of the invention with the motivation of properly including all such information in a form used by a hospital.

The remaining features of claims 21 and 33 were discussed in the previous Office Action, and are therefore rejected for the same reasons given in the prior Office Action, and incorporated herein.

(B) Claims 22-29, 32, 34-38, 40-41 are rejected for the same reasons given in the previous Office Action, and incorporated herein.

(C) Claims 42-43 are newly added. These claims repeat the limitations of claims 21 and 33, and are therefore rejected for the same reasons as those claims.

Response to Arguments

4. Applicant's arguments with respect to claims 21-29, 32-38, and 40-43 have been considered but are moot in view of the new ground(s) of rejection.

5. Applicant's arguments filed 16 March 2006 have been fully considered but they are not persuasive.

(A) Applicant has amended claims 21 and 33 to include the steps of:

"A. wherein if the other form is used, selecting the other form, displaying the customizable form in a definition window, and populating the customizable form with information from the other form; and

B. wherein if the other form is not used, defining a new structure for the customizable form, selecting a number of rows for inclusion into the customizable form, defining specifications relating to the pool of healthcare procedures and to the one or more healthcare diagnoses, and displaying the customizable form in a definition window.”

The Examiner notes that this amendment is a form of conditional limitation. Thus, if part A occurs, then part B will not occur. Part B does not happen every time the steps of method claims 21 and 33 are performed. If Applicant finds that part B is the patentable feature in view of the prior art, the Examiner suggests Applicant consider including a claim that requires part B to be performed in all instances.

Conclusion

6. The prior art made of record and not relied upon is considered pertinent to Applicant's disclosure. The cited but not applied prior art teaches method and system for facilitating patient care plans (6,434,531), intelligent prompting (5,823,949), system and method for optimizing medical diagnosis, procedures, and claims using a structured search space (6,393,404), creating and using protocols to create and review a patient chart (5,794,208), system and method for notification and access of patient care information being simultaneously entered (5,946,659), interactive method and system for managing physical exams, diagnosis, and treatment protocols in a health care practice (6,047,259), and several articles cited in the PTO-982 (Kenneth KW Ong, Peter LB Chia, Expert Clinical Interface, IEEE, Computers in Cardiology, 1995, pp. 765-768;

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Jorg Hohnloser & Florian Purner, PADS (Patient Archiving and Documentation System):

A computerized patient record with educational aspects, International Journal of Clinical

Monitoring and Computing 9: pp. 71-84, 1992; Ronald B. Melles, MD, Talmadge

Cooper III, MD, George Peredy, MD, User Interface Preferences in a Point-of-care Data

System, Permanente Clinical Information Systems, Kaiser Permanente Northern

California Region, 1998; M. Dugas, MD, M.Sc., K. Uberla, M.D., M.Sc., Intranet-based

clinical data entry, Institute for Medical Informatics, University of Munich, D-81377

Munich Germany, 1999; John A. Blackman, MD, The Usefulness of Handheld

Computers in a Surgical Group Practice, Masters Thesis, Oregon Health Sciences

University School of Medicine, May 1999).

7. Applicant's amendment necessitated the new ground(s) of rejection presented in

this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP

§ 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37

CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE

MONTHS from the mailing date of this action. In the event a first reply is filed within

TWO MONTHS of the mailing date of this final action and the advisory action is not

mailed until after the end of the THREE-MONTH shortened statutory period, then the

shortened statutory period will expire on the date the advisory action is mailed, and any

extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of

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the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

8. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Carolyn Bleck whose telephone number is (571) 272-6767. The Examiner can normally be reached on Monday-Thursday, 8:00am – 5:30pm, and from 8:30am – 5:00pm on alternate Fridays.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Joseph Thomas can be reached at (571) 272-6776.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

9. **Any response to this action should be mailed to:**

Commissioner of Patents and Trademarks
Washington, D.C. 20231

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Or faxed to:


- (571) 273-8300 [Official communications]
- (571) 273-8300 [After Final communications labeled "Box AF"]
- (571) 273-6767 [Informal/ Draft communications, labeled
"PROPOSED" or "DRAFT"]

Hand-delivered responses should be brought to the Knox Building, Alexandria, VA.

CB

CB

June 24, 2006


JOSEPH THOMAS
SUPERVISORY PATENT EXAMINER